

MINUTES OF THE **REGULAR** CITY COUNCIL MEETING, HELD ON MONDAY, **OCTOBER 18, 2004 AT 7:00 P.M.** AT CITY HALL, 401 MARKET STREET, TOMBALL, TEXAS 77375.

1.0 THE MEETING WAS CALLED TO ORDER BY MAYOR HARRINGTON. OTHER MEMBERS PRESENT:

COUNCILMAN MARTIN
COUNCILMAN FAGAN
COUNCILMAN FORD
COUNCILMAN GATLIN
COUNCILMAN DRIVER

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN
ASSISTANT CITY MANAGER – MARY COKER
CITY ATTORNEY – BILL OLSON
CITY SECRETARY – DORIS SPEER
CHIEF OF POLICE – MICHAEL BLAKE
DIRECTOR OF PUBLIC WORKS-OPERATIONS – ROD HAINEY
FINANCE DIRECTOR – SHERRIE MATTSON
FIRE CHIEF – RANDY PARR
ASSISTANT TO CITY MANAGER – TERRI DESHAZIER
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS WERE RECEIVED:

A. W. THEIS,
8602 WESTMORELAND, MAGNOLIA - ANNEXATION; EXTENSION OF UTILITY SERVICE ALONG SH 249, HOLDERRIETH ROAD AND ALICE ROAD; AND CONTRACTOR/CONSTRUCTION EQUIPMENT BLOCKING ENTRANCE TO PROPERTY

RODNEY HUTSON, M.D.
9431 ROSIE LANE, MAGNOLIA - IN AGREEMENT WITH COUNCIL REGARDING THE BIDDING PROCESS AND NEED TO REDUCE COSTS OF THE DOWNTOWN REVITALIZATION PROGRAM

MARY HARVEY
405 S. WALNUT, TOMBALL - DOWNTOWN REVITALIZATION PROGRAM

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. OCTOBER 25, 2004 WORKSHOP
- B. CITY NEWSLETTER
- C. PARKWAY FURNITURE UPDATE – BEN GRIFFIN ADVISED THAT INVESTIGATION IS CONTINUING REGARDING CONSTRUCTION-RELATED COMPLAINTS
- D. CITIZENS TRAFFIC SURVEY LETTER
- E. REPORT ON PUBLIC OPINION REGARDING MAIN STREET TREES

4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF OCTOBER 4, 2004; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE RE-SALE OF LOTS 21, 22, AND 28, BLOCK 90, BY TOMBALL INDEPENDENT SCHOOL DISTRICT TO JANET HOLMES, IN THE TOTAL AMOUNT OF \$3,700; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

6.2 MOTION WAS MADE BY COUNCILMAN FORD TO AUTHORIZE THE PURCHASE OF AN ELECTRONIC TICKET-WRITING SYSTEM FROM ADVANCED PUBLIC SAFETY IN THE AMOUNT OF \$37,999.76; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

6.3 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE NO. 2004-09 BY CAPTION ONLY; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT FIRST READING OF ORDINANCE NO. 2004-09, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING THERETO NEW SUBSECTIONS (g), (h), (i), AND (j) TO SECTION 14-490 OF DIVISION 8 OF ARTICLE VII; PROVIDING LOT REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS AND DUPLEXES IN OLD TOWN TOMBALL; PROVIDING PROVISIONS RELATING TO BUILDING LINES; PROVIDING PROVISIONS RELATING TO NONCONFORMING LOTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN FAGAN. VOTE WAS AS FOLLOWS:

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|-------------------|------------|
| COUNCILMAN MARTIN | <u>AYE</u> |
| COUNCILMAN FORD | <u>AYE</u> |
| COUNCILMAN FAGAN | <u>AYE</u> |
| COUNCILMAN GATLIN | <u>AYE</u> |
| COUNCILMAN DRIVER | <u>AYE</u> |

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO AUTHORIZE CITY ATTORNEY TO DRAFT AN AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 14, ELIMINATING THE DEFINITION OF SWIMMING POOLS AS A STRUCTURE FOR THE PURPOSE OF CONSTRUCTION OVER THE REAR BUILDING LINE; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO REJECT ALL BIDS RECEIVED FOR PROJECT NO. 2004-14, OLD TOWN TOMBALL IMPROVEMENTS, PHASE 1B, AND AUTHORIZE REVISION OF THE PROJECT SCOPE AND REBIDDING OF THE PROJECT AFTER COUNCIL HAS REVIEWED AND APPROVED IT; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.6 THE CITY COUNCIL RECESSED TO MEET IN EXECUTIVE SESSION AT 7:23 P.M., AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

1. SECTION 551.071 CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION
2. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY

AFTER RECONVENING IN REGULAR SESSION AT 7:37 P.M., NO ACTION WAS TAKEN.

7.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADJOURN; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

(signed) H. G. Harrington
H. G. HARRINGTON
MAYOR